IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 13994 of 2004

Between:

Parameswari Picture Palace, Kancharapalem, Visakhapatnam-530 008
rep., by its Managing Partner Shri S.Visweswara Rao, s/o S.Ramnaidu,
r/o Visakhapatnam.

..... PETITIONER

AND

1 The Government of Andhra Pradesh Home Department, Secretariat, Hyderabad rep., by its Secretary.
2 The Joint Collector and Licensing Authority, Collectors Office, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the action of the 1st respondent in not passing any orders in the stay petition filed on 29-7-2004 as illegal arbitrary and consequently direct the 2nd respondent to permit the petitioner to run the theatre Parameswari Picture Palace, Kancharapalem, Visakhapatnam 530 008 by renewing the B form licence.

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondents: GP FOR HOME

The Court made the following:

ORDER:

The petitioner is holding a licence under the provisions of the Andhra Pradesh Cinema (Regulations) Act, 1955. It appears that on an allegation that the petitioner theatre was constructed in the government land by encroaching the same, proceedings were initiated before the Special Court under the provisions of the Andhra Pradesh Land Grabbing (Prohibition) Act and the same has been decided in favour of the government. Aggrieved by the same, the petitioner filed W.P.No.9906 of 1994 and the same was dismissed by this Court on 17.01.1996. However, the petitioner was directed to remit the market value of the land calculated at Rs.250/- per square yard within three months. The petitioner states that in pursuance of the order of this Court, the market value of the land has already been paid. In spite of the same, the land has not been registered in its favour. That apart, a show-cause notice was issued by the second respondent treating the petitioner as land-grabber and also alleging that the petitioner failed to clear the arrears of entertainment tax as well as the rental dues and calling upon the petitioner to explain why its licence should not be cancelled. A detailed explanation has been submitted by the petitioner denying the allegations. However, the 2nd respondent failed to properly appreciate the same and passed an order dated 22.07.2004 directing not to renew the licence of the petitioner theatre till the management clears all the government dues. The petitioner states that aggrieved by the same, an appeal has been preferred before the first respondent on 29.07.2004 along with a stay application for grant of stay. The grievance of the petitioner is that the first respondent has not passed any orders so far even on the application for stay. Hence, the present writ petition seeking a

declaration that the inaction of the first respondent in considering the appeal as well as the stay petition is arbitrary and illegal.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Home appearing for the respondents.

Having regard to the facts and circumstances of the case and keeping in view the fact that the Statutory Appeal preferred by the petitioner against the order of the 2nd respondent is pending, without expressing any opinion on the merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the application for stay in the appeal preferred by the petitioner against the order of the second respondent dated 22.07.2004, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of one week from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

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09.08.2004

Note: Furnish CC by tomorrow

(b/o)

VGB

To

1 The Secretary, Government of Andhra Pradesh Home Department, Secretariat, Hyderabad.
2 The Joint Collector and Licensing Authority, Collectors Office, Visakhapatnam.

3 2CCs to the Government Pleader for Home, High Court Buildings, Hyderabad (OUT)

4 2CD copies